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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/963,265	09/25/2001	Burton Allen Yale	156316-0009	8373

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EXAMINER

VU, THONG H

ART UNIT

PAPER NUMBER

2142

DATE MAILED: 11/22/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/963,265

Applicant(s)

YALE, BURTON ALLEN

Examiner

Thong H. Vu

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2142

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 September 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

1. Claims 1-14 are pending.
2. This application claims the priority filed on 9/25/2000.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fidelibus, Jr. et al [Fidelibus 5,931,906] in view of Abecassis [6,192,340 B1].

3. As per claim 8 Fidelibus discloses A system for providing multimedia content to a user over a network comprising:

a memory for storing instruction sequences; a processor coupled to said memory, the processor to execute the stored instructions sequences [Fidelibus, a processor 102, a writable memory 112, col 3 lines 24-52, Fig 1];

wherein the stored instruction sequences cause the processor to (a) provide, to a user computer, an icon adjacent to a directory entry where said directory entry is to be included in a plurality of directories that are accessible over said network [Fidelibus, icons, col 7 lines 4-25; directory, col 5 lines 50-67];

(b) determine if the user has indicated a preferred file format, if not, request that the user indicate the preferred file format [Fidelibus, the user can dynamically modify

the presentation or control the operation of multimedia presentations or format, col 7 lines 27-col 8 line 24]; and

However Fidelibus does not explicitly detail

(c) provide said multimedia content to the user computer in response to said user selection of said icon, said multimedia content to be provided to the user in the preferred file format.

Abecassis discloses a multimedia apparatus may provide a preferable real-time format compatible with a multimedia player retrieved from a web site, col 25 lines 44-58]

Therefore it would have been obvious to an ordinary skill in the art at the time the invention was made to incorporate the preferred format as taught by Abecassis into Fidelibus apparatus in order to utilize the multimedia player. Doing so would provide the sense of currency and companionship that a real-time broadcast offers [Abecassis, col 1 lines 22-30].

4. As per claim 9, Fidelibus-Abecassis disclose said network is the Internet and the multimedia content includes a digitized video clip [Fidelibus, Internet, col 6 lines 1-35].

5. As per claim 10, Fidelibus-Abecassis said icon is a hypertext link that, when selected, causes an access of said multimedia content, said multimedia content to be stored on a server that is connected to said network [Fidelibus, server and multimedia,

col 4 lines 40-col 5 line 20].

6. As per claim 11, Fidelibus-Abecassis in (a), said directory entry and said icon are provided, to said user computer, using an Internet browser that is displaying one of said plurality of directories containing contact information for a plurality of commercial entities [Fidelibus, directory, col 5 lines 50-67].

7. As per claim 12 Fidelibus-Abecassis (b), requesting that the user indicate the preferred file format comprises: displaying a plurality of format options in a separate occurrence of the Internet browser on said user computer in response to the user selecting said icon, and transmitting a cookie file to the user computer indicating the preferred file format [Fidelibus, the user can modify the presentation, col 7 line 26-col 8 line 24].

8. As per claim 13, Fidelibus-Abecassis providing said multimedia content to the user computer in response to said user selection of said icon comprises streaming, to a separate occurrence of the Internet browser on the user computer, said multimedia content [Fidelibus, server and multimedia, col 4 lines 40-col 5 line 20].

9. As per claim 14 Fidelibus-Abecassis the stored instruction sequences further cause the processor to (d) determine if the user computer includes a media player capable of displaying said preferred file format and, if not, providing said user with a

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hypertext link for downloading said media player over said network [Fidelibus, URLs, col 4 lines 40-67].

10. Claims 1-7 contains the similar limitations set forth in claims 8-14. Therefore claims 1-7 are rejected for the same rationale set forth in claims 8-14.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to examiner *Thong Vu*, whose telephone number is (571)-272-3904. The examiner can normally be reached on Monday-Thursday from 6:00AM-3:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, *Andrew Caldwell*, can be reached at (571) 272-3868. The fax number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval IPAIRI system. Status information for published applications may be obtained from either Private PMR or Public PMR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Thong Vu
Primary Examiner
Art Unit 2142

A handwritten signature in black ink, appearing to read 'Thong Vu', with a stylized flourish at the end.